

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

FUSION PM HOLDINGS, INC.,¹

Reorganized Debtor.

:
: Chapter 11
:
: Case No. 19-11816 (DSJ)
:

In re

FUSION TELECOM, LLC,

Reorganized Debtor.

:
: Chapter 11
:
: Case No. 19-11824 (DSJ)
:
:

**ORDER (I) ENTERING FINAL DECREE CLOSING
THE CASE OF FUSION PM HOLDINGS, INC. (II) REOPENING
THE CASE OF FUSION TELECOM, LLC AND (III) GRANTING RELATED RELIEF**

This matter coming before the Court on the Motion, dated May 16, 2022 (the “**Motion**”),² of Fusion Connect, Inc. and its reorganized debtor affiliates (collectively, the “**Reorganized Debtors**” as applicable), pursuant to section 350 of the Bankruptcy Code,

¹ On December 17, 2019, the Court entered the *Order (I) Confirming Third Amended Joint Chapter 11 Plan of Fusion Connect, Inc. and Its Subsidiary Debtors and (II) Granting Related Relief* (Case No. 19-11811 (SMB), ECF No. 680) (the “**Confirmation Order**”). On June 25, 2021, the Court entered the *Order (I) Entering Final Decree Closing the Fully Administered Cases; and (II) Granting Related Relief* (Case No. 19-11811 (DSJ), ECF No. 1010), pursuant to which the chapter 11 cases of the following Reorganized Debtors were closed effective as of June 25, 2021: Fusion Connect, Inc. (2021); Fusion BCHI Acquisition LLC (7402); Fusion NBS Acquisition Corp. (4332); Fusion LLC (0994); Fusion MPHC Holding Corporation (3066); Fusion MPHC Group, Inc. (1529); Fusion Cloud Company LLC (5568); Fusion Cloud Services, LLC (3012); Fusion CB Holdings, Inc. (6526); Fusion Communications, LLC (8337); Fusion Telecom, LLC (0894); Fusion Texas Holdings, Inc. (2636); Fusion Telecom of Kansas, LLC (0075); Fusion Telecom of Oklahoma, LLC (3260); Fusion Telecom of Missouri, LLC (5329); Fusion Telecom of Texas Ltd., L.L.P. (8531); Bircan Holdings, LLC (2819); and Fusion Management Services LLC (5597). Commencing on June 25, 2021, all motions, notices and other pleadings relating to any of the Reorganized Debtors ~~were to shall be filed in the chapter 11 case of Fusion PM Holdings, Inc. (the “**Remaining Reorganized Debtor**”)~~ (Case No. 19-11816 (DSJ)). **From and after the date of entry of this order, all motions, notices and other pleadings relating to any of the Reorganized Debtors shall be filed in the reopened chapter 11 case of Fusion Telecom, LLC (the “**Remaining Reorganized Debtor**”) (Case No. 19-11824 (DSJ)).** The last four digits of the Remaining Reorganized Debtor’s federal tax identification number is (08942478). The Remaining Reorganized Debtor’s corporate headquarters and service address is 210 Interstate North Parkway, Suite 200, Atlanta, Georgia 30339. [DSJ 6/08/2022]

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

Bankruptcy Rules 3022 and 5010, and Local Rules 3022-1 and 5010-1, for entry of an order (i) of a final decree closing the chapter 11 case of Fusion PM Holdings, Inc., (ii) reopening the chapter 11 case of Fusion Telecom, LLC, and (iii) granting related relief, all as more fully described in the Motion; and the Court having reviewed the Motion; and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Article XI of the Plan, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (c) notice of the Motion was sufficient under the circumstances; and the Bankruptcy Court having held a hearing to consider the relief requested in the Motion on June 7, 2022 (the “**Hearing**”); and upon the record of the Hearing, and upon all of the proceedings had before the Court; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The chapter 11 case of Fusion PM Holdings, Inc. (Case No. 19–11816 (DSJ)) is hereby **CLOSED**.
3. The chapter 11 case of Fusion Telecom, LLC (Case No. 19-11824 (DSJ)) is hereby **REOPENED**.
4. The chapter 11 case of Fusion Telecom, LLC (Case No. 19-11824 (DSJ)) shall remain open pending further order of this Court and, from and after the date of entry of this order and final decree, all motions, notices and other pleadings relating to any of the Debtors or the Reorganized Debtors shall be filed in that case. **This requirement shall apply to any and all submissions relating to Case Nos. 19-11811 (DSJ), Case No. 19-11812 (DSJ), 19-11816 (DSJ), 19-11815 (DSJ), 19-11817 (DSJ), 19-11818 (DSJ), 19-11819 (DSJ), 19-11820 (DSJ),**

19-11822 (DSJ), 19-11813 (DSJ), 19-11825 (DSJ), 19-11814 (DSJ), 19-11827 (DSJ), 19-11828 (DSJ), 19-11829 (DSJ), 19-11830 (DSJ), 19-11831 (DSJ), and 19-11832 (DSJ). [DSJ 06/08/2022]

5. The Clerk of this Court shall enter this order and final decree on the docket of the above-captioned chapter 11 case **No. 19-11816**, which shall be marked as “Closed.” **[DSJ 06/08.2022]**

~~6. The Clerk of this Court shall insert a docket entry on the dockets of Case Nos. 19-11811 (DSJ), Case No. 19-11812 (DSJ), 19-11816 (DJS), 19-11815 (DSJ), 19-11817 (DSJ), 19-11818 (DSJ), 19-11819 (DSJ), 19-11820 (DSJ), 19-11822 (DSJ), 19-11813 (DSJ), 19-11825 (DSJ), 19-11814 (DSJ), 19-11827 (DSJ), 19-11828 (DSJ), 19-11829 (DSJ), 19-11830 (DSJ), 19-11831 (DSJ), and 19-11832 (DSJ), as follows:~~

~~“An order has been entered in this case directing that the caption of this case be changed. The docket in Case No. 19-11824 (DSJ) should be consulted for all matters relating to the above-captioned Reorganized Debtor and its affiliated Reorganized Debtors.” [DSJ 06/08/2022 – I am advised it is not practicable to insert the proposed docket entry in the referenced cases, all of which are closed]~~

7. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this order and final decree in accordance with the Motion.

8. All contested matters or adversary proceedings that have been filed or that may be filed in the future shall be administered in the chapter 11 case of Fusion Telecom, LLC, notwithstanding the fact that such contested matters or adversary proceedings may be asserted on behalf of or against any Reorganized Debtor. For the avoidance of doubt, objections to, and resolutions of, Claims shall be administered and heard in the case of Fusion Telecom, LLC, and Fusion Telecom, LLC shall be deemed to be the Debtor all Claims are filed against. Nothing in

this Final Decree shall affect the substantive rights of any party in interest, including the Reorganized Debtors and/or the Litigation Trust. The Court shall retain jurisdiction as is provided for in the Plan.

9. From and after the date of entry of this order and final decree, any disbursements made pursuant to the Plan by any of the Reorganized Debtors on account of claims arising prior to the Effective Date shall be reflected in Fusion Telecom, LLC's post-confirmation quarterly reports regardless of which Debtor or Reorganized Debtor is responsible for such claims.

10. For the avoidance of doubt, and notwithstanding anything herein to the contrary, the closing of the chapter 11 case of Fusion PM Holdings, Inc. (Case No. 19–11816 (DSJ)) shall not in any way affect the claims, defenses, or rights of any party in the adversary proceeding *United States of America v. Fusion Connect Inc., et al.*, Adv. Pro. No. 20-01009, or the related pending appeal, 2d Cir. No. 21-2746, including the ability of the Government to collect on its claims against, and liabilities of, the Reorganized Debtors if it prevails in this adversary proceeding. The closing of the chapter 11 case of Fusion PM Holdings, Inc. (Case No. 19–11816 (DSJ)) shall not in any way affect or alter paragraph 38 of the Confirmation Order.

11. Following entry of this Order and Final Decree, the caption for Case No. 19–11824 (DSJ) shall read as follows:

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In re	:	Chapter 11
	:	
FUSION TELECOM, LLC¹	:	Case No. 19-11824 (DSJ)
	:	
Reorganized Debtor.	:	
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¹ The last four digits of the Reorganized Debtor's federal tax identification number is (0894). The Reorganized Debtor's corporate headquarters and service address is 210 Interstate North Parkway, Suite 200, Atlanta, Georgia 30339. The chapter 11 cases of the Reorganized Debtor and its following affiliates were closed effective as of June 25, 2021: Fusion Connect, Inc. (2021); Fusion BCHI Acquisition LLC

(7402); Fusion NBS Acquisition Corp. (4332); Fusion LLC (0994); Fusion MPHC Holding Corporation (3066); Fusion MPHC Group, Inc. (1529); Fusion Cloud Company LLC (5568); Fusion Cloud Services, LLC (3012); Fusion CB Holdings, Inc. (6526); Fusion Communications, LLC (8337); Fusion Texas Holdings, Inc. (2636); Fusion Telecom of Kansas, LLC (0075); Fusion Telecom of Oklahoma, LLC (3260); Fusion Telecom of Missouri, LLC (5329); Fusion Telecom of Texas Ltd., L.L.P. (8531); Bircan Holdings, LLC (2819); and Fusion Management Services LLC (5597). The chapter 11 case of Fusion PM Holdings, Inc. was closed effective June 8, 2022, and the chapter 11 case of the Reorganized Debtor was reopened effective June 8, 2022. Commencing on June 8, 2022, all motions, notices and other pleadings relating to any of the Reorganized Debtors shall be filed in Case No. 19-11824 (DSJ).

12. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement or interpretation of this order.

Dated: New York, New York
June 8, 2022

s/ David S. Jones

HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE